

Appeal Docket Sheet

Superior Court of Pennsylvania

Docket Number: 2620 EDA 2016**Page 1 of 5****February 19, 2018****CAPTION**

Estate of Anne V. Ballinger, Deceased

Appeal of: Bernard J. Weisser

CASE INFORMATION

Initiating Document: Notice of Appeal

Case Status: Closed

Case Processing Status: December 14, 2017 Completed

Journal Number: J-S29002-17

Case Category: Civil Case Type(s): Estate/Probate/Wills/Intestate

CONSOLIDATED CASES**RELATED CASES****SCHEDULED EVENT**

Next Event Type:

Next Event Due Date:

COUNSEL INFORMATION**Appellant Weisser, Bernard J.**

Pro Se: No

IFP Status:

Attorney: Grab, Michael Steven
 Law Firm: Nikolaus & Hohenadel, L.L.P.
 Address: Nikolaus & Hohenadel Llp
 327 Locust St
 Columbia, PA 17512-1120
 Phone No: (717) 684-4422 Fax No:

Appellee Estate of Anne V. Ballinger, Deceased

Pro Se: No

IFP Status:

Attorney: Thomas, Clayton H., Jr.
 Law Firm: Clayton H. Thomas, Jr. Law Office
 Address: 1515 Market St Ste 2050
 Philadelphia, PA 19102-2000
 Phone No: (215) 568-7070 Fax No:

Attorney: Guernsey, John Allen
 Address: Conrad O'Brien PC
 1500 Market Street
 Suite 3900
 Philadelphia, PA 19102-1916
 Phone No: (215) 864-8066 Fax No:

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**COUNSEL INFORMATION****Participant** Haus, Steven

Pro Se: No

IFP Status:

Attorney: Holman, Timothy James
 Law Firm: Smith Kane Holman, LLC
 Address: Smith Kane Holman Llc
 112 Moores Rd Ste 300
 Malvern, PA 19355
 Phone No: (610) 518-4909

Fax No:

Participant Charles, Norman J

Pro Se: No

IFP Status:

Attorney: Guernsey, John Allen
 Address: Conrad O'Brien PC
 1500 Market Street
 Suite 3900
 Philadelphia, PA 19102-1916
 Phone No: (215) 864-8066

Fax No:

Attorney: Thomas, Clayton H., Jr.
 Law Firm: Clayton H. Thomas, Jr. Law Office
 Address: 1515 Market St Ste 2050
 Philadelphia, PA 19102-2000
 Phone No: (215) 568-7070

Fax No:

FEE INFORMATION

| Fee Dt | Fee Name | Fee Amt | Receipt Dt | Receipt No | Receipt Amt |
|------------|------------------|---------|------------|-------------------|-------------|
| 08/18/2016 | Notice of Appeal | 85.50 | 08/31/2016 | 2016-SPR-E-001528 | 85.50 |

AGENCY/TRIAL COURT INFORMATION

Court Below: Philadelphia County Court of Common Pleas
 County: Philadelphia Division: Philadelphia County Orphans' Court
 Order Appealed From: July 19, 2016 Judicial District: 01
 Documents Received: August 26, 2016 Notice of Appeal Filed: August 18, 2016
 Order Type: Decree
 OTN(s):
 Lower Ct Docket No(s): O.C. No. 545 AP of 2013
 Lower Ct Judge(s): Carrafiello, Matthew D.
 Administrative Judge - Orphans'
 Division

ORIGINAL RECORD CONTENT

| Original Record Item | Filed Date | Content Description |
|----------------------|-------------------|---------------------|
| Original Record | November 15, 2016 | |
| Trial Court Opinion | November 15, 2016 | |

Date of Remand of Record: December 14, 2017**BRIEFING SCHEDULE**

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BRIEFING SCHEDULE

| | | | |
|----------------------------|--------------------------|--|-------------------------|
| Appellant | | Appellee | |
| Weisser, Bernard J. | | Estate of Anne V. Ballinger, Deceased | |
| Brief | | Brief | |
| Due: December 27, 2016 | Filed: December 27, 2016 | Due: January 26, 2017 | Filed: |
| Reproduced Record | | Participant | |
| Due: December 27, 2016 | | Charles, Norman J | |
| Filed: December 27, 2016 | | Brief | |
| | | Due: January 26, 2017 | Filed: January 26, 2017 |
| | | Haus, Steven | |
| | | Brief | |
| | | Due: January 26, 2017 | Filed: January 26, 2017 |

DOCKET ENTRY

| Filed Date | Docket Entry / Representing | Participant Type | Filed By |
|--------------------------|---|------------------|---|
| August 26, 2016 | Notice of Appeal Docketed | Appellant | Weisser, Bernard J. |
| August 26, 2016 | Docketing Statement Exited (Civil) | | Superior Court of Pennsylvania |
| September 9, 2016 | Docketing Statement Received (Civil) | Appellant | Weisser, Bernard J. |
| November 15, 2016 | Trial Court Record Received | | Philadelphia County Court of Common Pleas |
| November 15, 2016 | Trial Court Opinion Received | | Philadelphia County Court of Common Pleas |
| November 15, 2016 | Briefing Schedule Issued | | Superior Court of Pennsylvania |
| November 18, 2016 | Application for Substitution of Party | Appellee | Estate of Anne V. Ballinger, Deceased |
| November 18, 2016 | Entry of Appearance - Private Estate of Anne V. Ballinger, Deceased | Appellee | Guernsey, John Allen |
| November 21, 2016 | Entry of Appearance - Private Haus, Steven | Participant | Holman, Timothy James |
| December 12, 2016 | Order | | Per Curiam |

Comment: Upon consideration of the motion to substitute party, the motion is hereby GRANTED and Norman J. Charles is hereby substituted for William G. Weisser.

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DOCKET ENTRY

| Filed Date | Docket Entry / Representing | Participant Type | Filed By |
|-------------------|---|-------------------------|---|
| December 23, 2016 | Application to Quash Appeal | Appellee Participant | Estate of Anne V. Ballinger, Deceased Charles, Norman J |
| December 27, 2016 | Appellant's Brief Filed | Appellant | Weisser, Bernard J. |
| December 27, 2016 | Reproduced Record Filed | Appellant | Weisser, Bernard J. |
| December 27, 2016 | Reply Letter(s) Printed | | Superior Court of Pennsylvania |
| January 6, 2017 | Answer to Application to Quash Appeal | Appellant | Weisser, Bernard J. |
| January 26, 2017 | Auto Submit - Reply Late | | Superior Court of Pennsylvania |
| January 26, 2017 | Participant's Brief Filed | Appellee Participant | Estate of Anne V. Ballinger, Deceased Charles, Norman J |
| January 26, 2017 | No Brief to be Filed | Participant | Haus, Steven |
| | Comment: Joinder of Steven Haus, to the Brief of Appellee Norman J. Charles | | |
| March 27, 2017 | Order Denying Application to Quash Appeal Without Prejudice | | Per Curiam |
| | Comment: The motion to quash this appeal is DENIED WITHOUT PREJUDICE to the moving party's right to again raise this issue, if properly preserved, in the appellate brief or, if the brief has already been filed, then in a new application that may be filed after the appeal has been assigned to the panel of this Court that will decide the merits of the appeal. | | |
| March 30, 2017 | Order | | Per Curiam |
| | Comment: The Order of March 27, 2017 is VACATED to correct typographical errors in the caption. The following Order is hereby entered: The motion to quash this appeal is DENIED WITHOUT PREJUDICE to the moving party's right to again raise this issue, if properly preserved, in the appellate brief or, if the brief has already been filed, then in a new application that may be filed after the appeal has been assigned to the panel of this Court that will decide the merits of the appeal. | | |
| March 31, 2017 | Submission Letter Sent | | Kohler, Benjamin D. |
| May 19, 2017 | Affirmed | | Lazarus, Anne E. |

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DOCKET ENTRY

| Filed Date | Docket Entry / Representing | Participant Type | Filed By |
|-------------------|--|------------------|---|
| June 16, 2017 | Petition for Allowance of Appeal to PA Supreme Court | Appellant | Weisser, Bernard J. |
| | Comment: 277 EAL 2017 | | |
| November 21, 2017 | Order Denying Petition for Allowance of Appeal to PA Supreme Court | | Per Curiam |
| | Comment: 277 EAL 2017 | | |
| December 14, 2017 | Remitted to Lower Court or Agency | | Kohler, Benjamin D. |
| January 25, 2018 | Acknowledgement of Record Remittal | | Philadelphia County Court of Common Pleas |

SESSION INFORMATION

Journal Number: J-S29002-17
 Consideration Type: Submit Panel
 Listed/Submitted Date: April 10, 2017

Panel Composition:

| | |
|-----------------------------------|--------------------------|
| The Honorable Anne E. Lazarus | Judge |
| The Honorable Carl A. Solano | Judge |
| The Honorable Correale F. Stevens | President Judge Emeritus |

DISPOSITION INFORMATION

| | | | |
|-----------------------|----------------------|---------------------|------------------|
| Final Disposition: | Yes | Judgment Date: | May 19, 2017 |
| Related Journal No: | J-S29002-17 | Disposition Author: | Lazarus, Anne E. |
| Category: | Decided | Disposition Date: | May 19, 2017 |
| Disposition: | Affirmed | Filing Author: | Lazarus, Anne E. |
| Dispositional Filing: | Memorandum | | |
| Filed Date: | 5/19/2017 12:00:00AM | | |

CROSS COURT ACTIONS

| | |
|---|---|
| Docket Number: | 277 EAL 2017 |
| Court Name: | Supreme |
| Short Caption: | Estate of: Ballinger., A., Pet of: Weisser., B. |
| Case Status: | Closed |
| Disposition: | Order Denying Petition for Allowance of Appeal |
| Disposition Date: | November 21, 2017 |
| Petition Reargument/Reconsideration Filed Date: | |
| Reargument Disposition: | |
| Reargument Disposition Date: | |
| Cross Court Action Type: | Filing of Decision or Opinion |